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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,417	10/23/2001	Charles Cameron Lindquist	12143/1	1411
26646 7590 09/25/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER BIAGINI, CHRISTOPHER D				
ART UNIT 2442		PAPER NUMBER		
MAIL DATE 09/25/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/868,417

Applicant(s)

LINDQUIST, CHARLES CAMERON

Examiner

Christopher Biagini

Art Unit

2442

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 59-61, 63-120, 123 and 124.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments regarding the objections to the specification and corresponding rejection under 35 USC 112, first paragraph have been fully considered but are not persuasive. Applicant argues that the specification discloses: connecting to a predetermined one of the gateways, a database containing connection parameters "in relation to user premises," records corresponding to a logged-in user being retrieved, and establishment of a connection "based on" the records. However, none of these sections describe a communications server which "determines which one of said environments said authorization data indicates authority to access." Furthermore, the examiner respectfully disagrees with applicant's assertion that the specification "explicitly states that the connection profile...includes the appropriate address of the relevant gateway." This language is taken from a portion of the specification distinct from that which discusses the authorization data, and furthermore merely discloses that a "connection profile" contains an IP address which is used to "program" end point gateway 22. Programming an end point gateway is not the same as a communications server determining which one of a set of environments authorization data indicates authority to access.

Applicant's arguments with respect to the rejections under 35 USC 103(a) have been fully considered but are not persuasive. Applicant first argues that Malkin "does not provide for a communications server of one network to select a gateway of another network." The examiner respectfully disagrees. First, it is well-known in the art that gateways connect two networks (for example, see Vaio, col. 6, lines 57-60), and thus can be said to be "in" or "of" both networks. Second, the term "environment" is extremely broad, and could reasonably be interpreted as encompassing the gateway of Malkin. Third, as cited in the action, Melkin indicates that the gateway serves as the "home agent" for the mobile node, explicitly indicates that the home agent is "a router on a mobile node's home network." See col. 5, line 65 to col. 6, line 3. Applicant next argues that the use of an extranet in the combination is "impossible" because "it is not possible to use tunneling to redirect from a public address/URL...to a private address." First, it must be noted that the test for obviousness is not whether the features of a reference may be bodily incorporated into the structure of another reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Second, Applicant's arguments are entirely conclusory. It is unclear how the system of Malkin would cease to function if augmented with the security of an extranet, or how this security could possibly cause address collisions. Furthermore, it is unclear what bearing RFC 1918 has on the current combination, considering that it is not mentioned by any of the references or even in Applicant's specification. Finally, applicant argues that making a network connection between the remote node and the home network "could not be implemented via a login URL" for the reasons addressed above and "also because access of a login portal by remote node 10 cannot constitute a transparent network connection the Home Network 18." Applicant's arguments are again entirely conclusory and not persuasive.